

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

HOWARD D. DAVIS,

Petitioner,

v.

WARDEN MICHAEL MEISNER,

Respondent.

Case No. 21-CV-1454-JPS
7th Cir. Case No. 23-2745

ORDER

On September 5, 2023, Petitioner timely filed a notice of appeal of the Court's order granting Respondent's motion to dismiss his petition for a writ of habeas corpus under 28 U.S.C. § 2254. ECF No. 35. Now before the Court is a letter from Petitioner requesting a copy of the transcript information sheet that he is required to file with the Seventh Circuit, which the appeals handbook states "he must get . . . from [the Eastern District of Wisconsin Clerk's Office]." ECF No. 43 at 1. Petitioner also asserts that certain materials are not in the record and should be added on appeal. *Id.* The Court construes the latter request as a motion to enlarge the record on appeal under Federal Rule of Appellate Procedure 10(e). ECF No. 43.

The Court will direct that the Clerk of Court mail Petitioner a copy of the Seventh Circuit Transcript Information Sheet with this Order. The Court will also grant Petitioner's motion to enlarge the record on appeal. Petitioner lists three filings from his state criminal proceedings that he would like to add to the record as relevant to "where in the [state] record facts were presented." ECF No. 43 at 1. Because the Court determined that Petitioner's grounds for relief are procedurally defaulted, timing is indeed relevant to Petitioner's appeal. The Court will order Respondent to file the

three materials that Petitioner lists with this Court within **five (5) days of this Order**. Once filed, the Clerk of Court shall transmit the materials to the Seventh Circuit in accordance with this Order.

Finally, Petitioner asks whether he needs to “fill out the transcript information sheet” in order to add the additional materials to the record. ECF No. 43. The transcript information sheet deals only with proceedings before this Court and does not involve Petitioner’s motion to enlarge the record, which the Court has granted with this Order.

Accordingly,

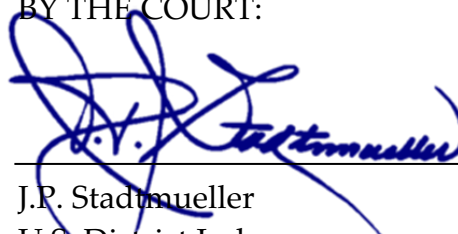
IT IS ORDERED that the Clerk of Court mail Petitioner a copy of the Seventh Circuit Transcript Information Sheet with this Order;

IT IS FURTHER ORDERED that Respondent file the three state court filings listed in Petitioner’s letter, ECF No. 43, with this Court within **five (5) days of this Order**; and

IT IS FURTHER ORDERED that once Respondent files the above-described materials, the Clerk of Court shall **TRANSMIT** them to the Seventh Circuit in accordance with this Order.

Dated at Milwaukee, Wisconsin, this 4th day of October, 2023.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge